

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: AUGUST 4, 2009**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐ **Consent** ☒ **Discussion****SUBJECT:**

Bill No. 2009-32 – ABEYANCE ITEM - Authorizes under certain circumstances the administrative extension of temporary licensing approval and the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact☒**No Impact**☐**Augmentation Required**☐**Budget Funds Available****Amount:****Funding Source:****Dept./Division:****PURPOSE/BACKGROUND:**

This bill will authorize the administrative extension of temporary licensing approval in certain cases where City Council action is unable to be taken in a timely manner through no fault of the licensee. The bill will also authorize the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees. Such reinstatement will be available only within a limited time following suspension or revocation and will be subject to the payment of a reinstatement fee. This item was held in abeyance at the 7/14/2009 Recommending Committee meeting.

RECOMMENDATION:

Abeyance to the 8/4/2009 Recommending Committee by the 7/14/2009 Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2009-32
2. Business Impact Statement
3. Proposed First Amendment
4. Submitted at meeting – Opposition letter by the Charleston Neighborhood Preservation

Motion made by STAVROS S. ANTHONY to Approve as Second Amendment

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

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Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that under the Code, if an alcoholic beverage licensee misses his or her semi-annual liquor fee payment and the fee and penalties remain unpaid, that license is revoked after 60 days. This bill would suspend the license after 60 days and create a grace period, which would allow licensees an opportunity to pay the fee and penalties without restart the licensing process. This bill includes an opportunity for reinstatement for licenses have been revoked for non-payment of fees. This bill would clarify that a temporary license cannot be sold, transferred or assigned. It would also require that the Business Manager formally grant inactive or non-operational status for temporary licenses.

JIM DiFIORE, Business Services Manager, explained that this bill was brought forward in response to the current economic difficulties experienced by alcohol-related industries. Privileged license holders would have an opportunity to correct the status of a revoked or suspended license due to non-payment of fees through full payment of the fees and a penalty for a short period of time.

COUNCILMAN BARLOW expressed concern with the length of time a privileged license could remain inactive before it is revoked. MR. DiFIORE explained that this bill would allow licensees to reinstate the license before it is revoked due to non-payment of fees, which is not currently permitted. The licensee would be required to pay all fees owed and a penalty.

CHIEF DEPUTY CITY ATTORNEY STEED clarified that the bill addressed two different circumstances. Under this bill, any future licensees who fail to pay the fees would have their license suspended for non-payment and would have a period of 10 days to pay the fees and the penalty. If payment has not been made after the 10-day period has expired, the license would be revoked. Licensees who have had their licenses revoked for non-payment in the past would be given a 90-day period to pay the fees and the penalty to have the license reinstated.

COUNCILMAN BARLOW suggested that licensees be granted 60 days to pay the fees and the penalty and COUNCILMAN ANTHONY concurred. CHIEF DEPUTY CITY ATTORNEY STEED noted that licensees would have until 5 p.m. on the 10th calendar day to pay the fees and penalty. If the 10th calendar day falls on Saturday or Sunday, the licensee would have until close of business on the following Monday. MR. DiFIORE added that the license would automatically be revoked after the 10th day if the fees and penalty were not paid.

JUANITA CLARK, Charleston Neighborhood Preservation, read and submitted a letter of opposition for the record. She stated that only Mayor and City Council should the authority to grant or reinstate a liquor license. CHIEF DEPUTY CITY ATTORNEY STEED clarified that the Business Licensing Director does not have the authority to revoke a privileged license. The license is automatically revoked if the fees have not been paid within the required length of time.